

ROCKVILLE CITY COUNCIL MEETING MINUTES
July 11, 2018
Rockville City Hall

Item 1) Call to Order

The meeting was called to order at 6:00 p.m. by Mayor Duane Willenbring.

Item 2) Pledge of Allegiance

Item 3) Roll Call

Roll call was taken and the following Members were present: Duane Willenbring, Vince Schaefer, Don Simon, and Rick Tallman. Absent: Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; Public Works Director, Gene Van Havermaet; Planning Commission Chair, Bill Becker; Stearns County Sheriff's Department, Sgt. Ann Klein; Rockville Fire Chief, Rodney Schaefer; Emergency Management, Mike Hofmann.

Others present: Various members of the public.

Item 4) Additions/Approval of Agenda

Member Tallman requested to add Shooting Range under Item 11d. Mayor Willenbring requested to change 11a. from RTCB to LMC Conference. Motion by Tallman, second by Simon, to approve the agenda as amended. Motion carried.

Item 5) Public Comment

MaryAnn Hermanuz, 211 1st Street West – concerned about changing the speed limit sign just across the Sauk River bridge on CSAH 139.

Lt. Bob Dickhouse with the Stearns County Sheriff Department. Running for Stearns County Sheriff in this year's election.

Mary Pfannenstein, 24222 Lake Road - concerned about the speed limit on Lake Road.

Item 6) Resolution 2018-24 Acceptance of June 2018 Donations

Motion by Simon, second by Tallman, to approve Resolution 2018-24 Acceptance of June 2018 Donations. Motion carried.

Item 7) Consent Agenda

- a) Acknowledge Review of the June 2018 Bills Paid
- b) Acknowledge Review of 2nd Qtr 2018, Closing and Final 2017 Journal Entries
- c) Approval Rockville City Council Minutes of June 13, 2018
- d) Harstad, Yanta Annexation Agreement
- e) Resolution 2018-25 Appointment of 2018 Election Judges

Motion by Simon, second by Schaefer, to approve the Consent Agenda as presented. Motion passed unanimously.

Item 8) Department Reports:

a) Emergency Management – EM Director Mike Hofmann

Reported:

- All EM sirens are working.
- Downed power line do to a tree falling resulting in a live downed power line that the street had to be secured by the Rockville Fire Department until the power company arrived to repair the line.

- So far this year we have not had any severe storms that required the sirens to be activated. Criteria to activate sirens are: 70 mph or greater winds, 1 inch or greater hail or threat of a tornado.
- Reviewed the rationale for where the sirens are located.
- EM received a \$1,200.00 matching grant from Center Point Energy.

b) **Fire Department – Fire Chief Rodney Schaefer**

Reported:

- Looking into purchasing two iPads to be placed in two of the fire vehicles.
- So far this year calls are above average. Last week there were 10 calls over a 24 hour period.
- Received a \$9,000.00 grant from Westfield Insurance Company.
- Will again be assisting Cold Spring with Firefest.

c) **Sheriff's Report – Sgt. Ann Klein**

- Reviewed with the Council the Sheriff's written report of the City of Rockville 2nd Quarter 2018 activity.

d) **Planning Commission - Chairperson Bill Becker**

1) Keith Eisenschenk Concept Plan

Chairman Becker introduced the following Concept Plan request that was submitted by Keith Eisenschenk, property address next to 8949 County Road 6, property owners: Greg and Marina Voigt, PID 76.42142.0066, property is zoned R-1:

My intentions for the property would be to build a home and a pole shed so I can run my custom staining and finishing business from this location. Two separate buildings. I would need to apply for a conditional use permit being this property is zoned residential. There would be a U-Haul size vehicle that delivers millwork from lumber yards at least once a week. It generally takes 20-30 minutes to unload the material off of this vehicle. The pole shed that I would run my staining and finishing business from would be OSHA compliant and I would follow all guidelines by OSHA for waste disposal and building set up. I would install all proper ventilation systems for spraying finishes. My building would be set up like a cabinet shop. There will be no noise or smells coming from this building.

I have been doing finishing work for nearly 20 years so I have a great understanding of what needs to be done to meet safety guidelines. I would like to ask you if it would be possible to have the pole shed built first before the house so I can start my business up and inform all my accounts on the change of location. The house would be built immediately after. I currently rent a shed in Richmond and the owner of the building is talking about selling. So I feel that it would be important for me to get everything rolling with the business first then concentrate on building the home.

I am open and willing to work with you on the locations of the house and shed on this property.

*Thank you!
Keith Eisenschenk*

Chairman Becker noted to the Council that the Planning Commission considered the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values.

The Planning Commission noted the following:

- Property is zoned R-1.
- The use (custom staining and finishing) is not a permitted use.
- Concern over the accessory structure being constructed before the dwelling. What safeguards could be put in place to ensure the dwelling is constructed.
- The CUP could stipulate that both the principle structure and accessory structure building permits be applied and paid for at the same time. Noting that each permit is valid for 180 days.
- Mr. Eisenschenk stated that he is not anticipating his business to grow and expand to the point that he would have to hire employees. Right now his girlfriend helps when he gets busy and sometimes his parents.

Chair Becker stated the consensus of the Planning Commission was the Concept Plan would be acceptable as long as the CUP addresses the above noted concerns.

Member Tallman stated he has spoken to a neighbor of this property and they spoke favorably of the concept plan.

The Council consensus was the Council concurs with the Planning Commission finding.

2) Conditional Use Permit Robert J. Kritzeck 25646 Lake Road

Chairman Becker introduced the following Conditional Use Permit Application for: Applicants, Robert J. Kritzeck and JK Landscape Construction. Request is to construct a new retaining wall in an R-1 Residential District, Shoreland District, Recreational Development Lake. Property address: 25646 Lake Road. Parcel No. 76.41952.0009

Re: Conditional Use Application in an R-1 Residential District, Shoreland District, Recreational Development Lake, Pleasant Lake.

Owner: Robert J. Kritzeck / JK Landscape Construction
Property Address: 25646 Lake Road, Rockville MN
Parcel I.D. No. 76.41952.0009

Request:

Shoreland Alteration Permit to do Slope cutout, sand blanket and construct two retaining walls.

Relevant Information:

1. R-1 Residential District, Shoreland District, Recreational Development Lake, Pleasant Lake
2. Lot is a legal non-conforming lot
3. 13 notices of public hearing were sent out
4. Application was reviewed by David Nett, Stearns County Environmental Specialist

Recommendation:

Consider approval contingent on the conditions set forth by David Nett, Stearns County Environmental Specialist:

1. All authorized excavation and retaining wall construction work completed within 14 days of project commencement.
 2. All disturbed areas created by the project must be seeded and covered with erosion control blanket, hydro-seeded or sodded within 14 days of project commencement.
 3. If the sand blanket is authorized, sand is limited to within 10 feet of the shoreline unless a variance is obtained.
 4. Submittal of a construction plan for the 6 foot high retaining wall from a Minnesota licensed professional engineer prior to work beginning. In addition, an as-built inspection shall be submitted from the engineer after the work is completed, ensuring the work was completed as designed.
 5. If authorized, sand cannot exceed 12 inches in thickness.
 6. Permit only authorizes work above the ordinary high water level.
 7. Silt fence shall be constructed as shown on the plan prior to any dirt moving work commencing.
 8. Filter fabric is required under the rock riprap. The rock cannot exceed 2 feet landward of the Ordinary High Water Level and must average no less than 6 inches or greater than 30 inches in diameter.
9. Added by the Planning Commission: Removal of the small 80sf storage shed on the SWE corner of parcel next to the lake.

Chair Becker informed the Council that the Planning Commission has considered the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the Planning Commission made the following findings:

1. **Not a Burden on Public Facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.
3. **No Adverse Effect on Adjacent Properties.** The slope cutout, sand blanket and construct two retaining walls will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.
4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.
5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.
7. **Adequate Parking and Loading.** Is not a concern with this Conditional Use Permit.
8. **Not Detrimental to Health, Safety and Welfare.** The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.
9. **Shoreland.** The criteria set out in the Shore land Ordinance will be met.

Chairman Becker informed the Council that the Planning Commission has approved of this application and recommends the City Council consider approval as well.

Following discussion, motion by Tallman, second by Schaefer, to approve the Robert J. Kritzeck and JK Landscape Construction Conditional Use Permit Application with the noted 9 conditions. Motion carried unanimously.

3) Variance Request Jeremy J. Danielson 25814 Lake Road

Chairman Becker introduced the following Variance Application: Applicant, Jeremy J. Danielson for a Variance from side yard setback requirements. Property address: 25814 Lake Road, Parcel No. 76.41603.0300. The request is to move in a cabin with entry way in an R-1, Shoreland Overlay District on

Pleasant Lake a Recreational Development Lake. Porch would be 4 to 5 feet into the 10 foot setback requirement. Variances are required for side yard setback requirements, Section 17, Subd. 6.5.B.

Relevant Information:

1. Owner proposes to move in cabin with entry way
2. Lot dimensions: lake front 49', street back 44.36', side 164' and 173'
3. Cabin dimension is 24'(w) x 32' – entry way 4.6'(w) x 5'
4. Attached entry way on the NW (street side) would be inside the side yard setback by 4.24 feet for approximately 5 feet and not inside the rear or front yard setback
5. The Lot is a legal nonconforming lot
6. 10 notices of public hearing were sent out

Chairman Becker noted that at the public hearing no one from the public showed up to express an opinion. However, the Planning Commission did receive one letter from a resident, Mary McDonald, 25393 Pleasant Road, requesting that the variance be denied.

Chairman Becker informed the Council that the Planning Commission determined that the applicant for the variance had not established that there are practical difficulties in complying with the zoning ordinance and that the Planning Commission has considered the following criteria as defined in Minnesota Statutes Section 462 and Minnesota Statutes Section 394.27 and makes the following Findings of Fact:

1. The variance is not in *harmony* with the purposes and intent of the *ordinance*
2. The variance is not *consistent* with the *comprehensive plan*
3. The proposal does not put property to use in a *reasonable manner*
4. There are not *unique circumstances* to the property not created by the landowner
5. The variance would not continue to maintain the *essential character* of the locality

Chairman Becker informed the Council that the Planning Commission has denied this application and recommends the City Council consider denial as well.

Following discussion, motion by Schaefer, second by Tallman, to concur with the Planning Commission and deny the variance application. Motion carried unanimously.

4) June Building Permits – Information only

e) **Public Works – Director Gene VanHavermaet**

Reported:

- Insurance company has been notified regarding the SCADA system and a possible lighting strike.
- Tree trimming is being done as time allows.
- 2018 Street project is nearing completion.
- Ball Park at Pleasant Lake unfortunately doesn't get much use.
- New tractor is scheduled to be here in a week or two.
- New public works employee is working out really well.
- The County recently painted the crosswalks on Broadway Street.
- Thanked the Fire Department for helping get some of the City roads reopened after the most recent storm that knocked down some trees and power lines.
- Some of the sanitary sewer air release valves are leaking, working to find replacement parts.

f) **Engineering Report - Written Report**

Mayor Willenbring noted that there will be a change order for the 2018 Street project as it relates to Lake Road needing additional material for the shouldering. Estimated additional expense of seven to eleven thousand.

Member Schaefer noted that the alley that runs parallel to Broadway behind Stoney's Bar did not get completed as directed. Also disappointed that the low spot on Caroline Lane at the intersection of Oak Street did not get addressed.

Item 9) Administration

a) Ordinance Review Status

Administrator Bode reported that he is still waiting for the reports from one of the Taskforce. The next step is staff will type up the requested changes then send them on to the City Planner. After her review and feedback then a Council Workshop followed by a public hearing.

Item 10) Appropriations, Allocations and Transfers

a) Council Action

Motion by Simon, second by Schaefer to approve of the two council action items as it relates to City Office computers and the Fire Hall and City Hall security and council chamber cameras. Motion carried.

b) Sprint Renewal Agreement

Motion by Simon, second by Tallman to approve of the Sprint Water Tower Rental agreement. Motion carried.

Item 11) Mayor/Council Reports

a) LMC Conference – Member Schaefer attended.

b) Sauk River Repair

Reported that the project is completed and was noted that there was a minor increase in the quantities.

c) Vacation Rental Taskforce

Mayor Willenbring and Member Schaefer will represent the Council on this taskforce.

d) Shooting Range

Item 12) Other

Item 13) Future Agenda Items

- 2019 Budget

Item 14) Adjourn

Motion made by Simon, second by Tallman, to adjourn the meeting. Motion carried. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

*Martin M. Bode
City Administrator*